

VZCZCXRO3277
PP RUEH DU RUEHGI RUEHJO RUEHMR RUEHRN
DE RUEH KI #1438 2571417
ZNR UUUUU ZZH
P 141417Z SEP 06
FM AMEMBASSY KINSHASA
TO RUEHC/SECSTATE WASHDC PRIORITY 4777
INFO RUEHXR/RWANDA COLLECTIVE
RUCNSAD/SOUTHERN AFRICAN DEVELOPMENT COMMUNITY
RUEAIIA/CIA WASHDC
RHEFDIA/DIA WASHDC
RHMFISS/HQ USEUCOM VAIHINGEN GE
RUFOADA/JAC MOLESWORTH RAF MOLESWORTH UK

UNCLAS KINSHASA 001438

SIPDIS

SENSITIVE
SIPDIS

E.O. 12958: N/A
TAGS: [PGOV](#) [KDEM](#) [KPKO](#) [CG](#) [ELECTIONS](#)
SUBJECT: OCTOBER 29 REMAINS LIKELY SECOND-ROUND DRC
ELECTION DAY, DESPITE COURT RULING

REF: KINSHASA 1406

11. (U) The DR Congo Supreme Court of Justice ruled September 13 that the October 29 date set by the Independent Electoral Commission (CEI) for the second round presidential run-off election was unconstitutional. Citing the new constitution approved by voters in December, 2005 the Court declared that the second round of elections must be held within 15 days of the first, although it did not specify from what point that deadline would be counted. It is generally assumed the 15 days begins from the date the Court validates the first-round presidential results, which it has not yet done.

12. (U) The Court's decision does not mean that the debate over when the next round of elections will be held is over. As reported reftel, the CEI introduced its own appeal before the Court September 5 asking for an extension of the time period to organize elections based on "unforeseen obstacles." The Court is still deliberating; CEI officials expect it to rule as soon as September 14. CEI spokesman Dieudonne Mirimo said he was "confident" the Court would grant the additional time echoing what CEI President Malu Malu told VOA after the decision. If the Court accepts the CEI's argument, the October 29 date for the second round would stand. CEI officials continue to maintain, though, that it is logistically and financially impossible to hold elections any sooner than that.

13. (SBU) Comment: We believe it unlikely that the October 29 run-off date will change. The Court is expected to grant the CEI's appeal, and the Commission has made it clear that under no circumstances can it hold elections any sooner. President Kabila plans to travel to New York for the UNGA, providing a clear sign that the Presidency does not believe the second-round elections are imminent. End comment.
MEECE